

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Amendment of Section 13035, Title 9, California Code of Regulations

COUNSELOR CERTIFICATION – CERTIFYING ORGANIZATIONS

Initial Statement of Reasons

BACKGROUND

In order to work as a counselor in an alcohol and other drug (AOD) treatment program, individuals are currently required to be certified by one of the certifying organizations listed in Section 13035(a), Title 9, California Code of Regulations (CCR). Section 13035 currently requires all certifying organizations to become accredited by the National Commission for Certifying Agencies (NCCA) by April 1, 2007 in order to continue certifying AOD counselors. This regulatory action will amend Section 13035(b) and (c) by extending the date by which certifying organizations must be accredited by NCCA to September 30, 2007.

STATEMENT OF NECESSITY

Only three of the ten certifying organizations listed in Section 13035 are currently NCCA certified. The Department of Alcohol and Drug Programs (ADP) is proposing the emergency amendment of Section 13035 to extend the time allowed for NCCA accreditation to September 30, 2007. This extension is needed in order to prevent a devastating workforce disruption in the AOD treatment field that could force many AOD treatment programs to reduce treatment services or go out of business completely, negatively impacting health, welfare, peace, and safety statewide.

If ADP is not allowed to amend Section 13035, only the three certifying organizations that are currently NCCA accredited will be recognized by ADP to certify counselors in AOD facilities in California. As many as 6,800 individuals currently registered or certified with the non-accredited organizations will need to re-register with either of the three NCCA accredited certifying organizations. ADP anticipates that the three accredited certifying organizations may not have sufficient capacity to handle that many additional counselors while maintaining their own quality standards as well as those established by ADP standards. Additionally, those individuals who are able to re-register with NCCA accredited organizations may have to pay additional fees and repeat courses they have already completed elsewhere. As a result, many individuals currently studying to become AOD counselors may become discouraged and leave the AOD treatment field. This loss of AOD counselors would result in an unprecedented workforce disruption in the AOD treatment system, which is already experiencing a shortage of certified AOD counselors. Such a workforce shortage would undermine the AOD treatment system in California, reducing the quality and quantity of treatment services available to individuals in need of those services. Without AOD treatment, substance abuse will increase

statewide, increasing the crime rate and the incidence of blood borne infectious disease (AIDS/HIV and hepatitis), and jeopardizing the health, safety, and welfare of not only individuals needing treatment, but also their families, their communities, and the public at large.

Additionally, this extension is necessary to maintain a workforce of AOD counselors trained to provide multi-cultural AOD services in a culturally diverse state. A Latino certifying organization, a Native American certifying organization, and a faith based certifying organization are among the organizations currently listed in Section 13035 who are not yet NCCA accredited.

ADP is proposing extending the deadline for NCCA certification until September 30, 2007 because NCCA has recently notified ADP that the remaining certifying organizations have applied for accreditation and are expected to obtain certification by September 30, 2007. A copy of the NCCA status report is presented as departmental documentation in the rulemaking file for this regulatory action.

FISCAL IMPACT STATEMENTS:

Anticipated costs or savings to federal government:

None

Anticipated costs or savings to State General Fund:

None

Anticipated costs to county or local government:

None

Anticipated fiscal or economic impact on business:

The Department has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This regulatory action will not impose a cost on business, or eliminate businesses, small businesses, or jobs. In fact, the proposed regulatory action will benefit business throughout the State of California. The proposed extension will prevent certifying organizations from going out of the certification business and will prevent a major workforce disruption in the AOD field that could force AOD programs to reduce services or close completely.

Anticipated fiscal or economic impact on small businesses:

This regulatory action will impact small businesses, since most AOD programs are small businesses. However this regulatory action will benefit small business by preventing a major workforce disruption in the AOD field that could force many AOD programs out of business.

Impact on Representative Private Persons or Businesses:

The Department is not aware of any costs impacts that a representative private person or business will necessarily incur in reasonable compliance with the proposed regulatory action. In fact the proposed regulatory action will benefit up to 6,800 individuals currently registered or certified as AOD counselors. This regulatory change will prevent the need for those individuals to re-register with other certifying organizations, pay additional fees, and repeat already completed coursework. Without this regulatory action, many individuals studying to work in the AOD field may be unable to complete their certification and be forced out of the AOD field.

Impact on Housing Costs:

ADP does not anticipate that this regulatory action will impact housing costs in any way.

CONSIDERATION OF ALTERNATIVES:

Pursuant to Section 11346.5(a)(13) of the Government Code, ADP must determine that no alternative would be more effective in carrying out the purpose for which this regulatory action was taken. ADP must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. ADP will consider any alternatives presented during the public comment periods.